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|                      |   |   |
|----------------------|---|---|
| Plaintiff/Petitioner | § | §   |
|                      | § | NDTX Case No.: _____                                    |
| v.                   | § | § 5 <sup>TH</sup> Circuit Appeals Court Case No.: _____ |
|                      | § | §   |
| Defendant/Respondent | § |   |

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**NOTICE OF TRANSFER OF THE 5<sup>TH</sup> CIRCUIT RECORD ON APPEAL**

I hereby:

acknowledge receipt of the record on appeal which consists of:  
 \_\_\_\_\_ volumes of the record      \_\_\_\_\_ volumes of transcripts  
 \_\_\_\_\_ containers of exhibits      \_\_\_\_\_ sealed documents  
 \_\_\_\_\_ folders of state court records      \_\_\_\_\_ other: \_\_\_\_\_

acknowledge that the record on appeal has been transferred to the:  
 \_\_\_\_\_ Appellee\*      \_\_\_\_\_ Appeals Court

*\*If Appellee's brief is required, appellant must forward the record on appeal to appellee when appellant's brief is sent to the 5<sup>th</sup> Circuit and served on appellee. See attached page for additional information.*

I certify that I am proceeding *pro se* or that I am the designated attorney of record for the:

\_\_\_\_\_ Appellant      \_\_\_\_\_ Appellee

I also certify that I have not altered the record in any way.

\_\_\_\_\_  
Date

*Brett Ordway*  
Signature

Brett Ordway  
Printed Name

8150 N. Central Expressway, Suite M1101  
Address

Dallas, Texas 75206

214-468-8100  
Telephone Number

**This form is to be completed and filed with the Office of the District Clerk each time a party receives or forwards the appellate record in the case referenced above, including when the appellant or appellee forwards the record to the 5<sup>th</sup> Circuit.**

## NOTICE REGARDING ORIGINAL RECORD

1. Where an appellee's brief is required, **appellant must**:
  - a. forward the record on appeal to **appellee** when appellant's brief is sent to the 5<sup>th</sup> Circuit and served on appellee; and
  - b. complete the appropriate sections of the attached "Notice of Transfer of the 5<sup>th</sup> Circuit Record on Appeal" form and mail it to the **District Court Clerk's Office**.
2. Where an appellee's brief is not required (e.g. appellant's counsel files an Anders brief asserting there is no non-frivolous issue on appeal, etc.), **appellant must**:
  - a. forward the record on appeal to the **5<sup>th</sup> Circuit Clerks' Office** when appellant's brief is sent to the 5<sup>th</sup> Circuit; and
  - b. complete the appropriate sections of the attached "Notice of Transfer of the 5<sup>th</sup> Circuit Record on Appeal" form and mail it to the **District Court Clerk's Office**.
3. Where an appellee's brief is required, **appellee must**:
  - a. forward the record on appeal to the **5<sup>th</sup> Circuit Clerks Office** when appellee's brief is sent to the 5<sup>th</sup> Circuit; and
  - b. complete the appropriate sections of the attached "Notice of Transfer of the 5<sup>th</sup> Circuit Record on Appeal" form and mail it to the **District Court Clerk's Office**.

**Note:** The District Court has loaned you the record on appeal for your convenience in brief writing. When you are in possession of the record you are responsible for safeguarding and protecting the record. Negligent acts with respect to the record may subject you to sanctions. Willful mutilation, obliteration or destruction of the record may subject you to criminal penalties under 18 U.S.C. § 2071.